

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PIERRE DARBOUZE,

Plaintiff,

- against -

MICHAEL LEW,

Defendant.

-----X  
MAUSKOPF, United States District Judge.

ORDER  
09-CV-4231 (RRM) (CLP)

On December 1, 2010, Magistrate Judge Cheryl L. Pollak issued a Report and Recommendation (the "R&R") recommending that the Complaint be dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiff's failure to prosecute this action. In the R&R, Judge Pollak cautioned Plaintiff that unless he contacted the Court on or before December 21, 2010, she would recommend that the case be dismissed. To date, Plaintiff has failed to contact the Court or otherwise proceed in this action.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is hereby ORDERED that the Complaint is DISMISSED pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk of Court is directed to enter Judgment accordingly and to close the case. The Clerk is further directed to transmit a copy of this Order to Plaintiff via U.S. Mail.

SO ORDERED.

Dated: Brooklyn, New York  
December 30, 2010

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/s/  
ROSLYNN R. MAUSKOPF  
United States District Judge